IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

FRIDAY, THE 12TH JANUARY 2007 / 22ND PAUSHA 1928

WP(C).No. 1408 of 2007(P)

PETITIONER:

K.M. MOITHEEN, AGED 46 YEARS,
S/O.LATE K.S. MUSTHAFA, KAROTHUKUDY HOUSE,
KANDANTHARA, ALLAPRA P.O.,
ERNAKULAM DISTRICT.

BY ADV. SRI.C.A.NAVAS
SRI.SHABEER ALI
SMT.SIMI SIVASANKAR

RESPONDENTS:

1. **THE ASSISTANT EXECUTIVE ENGINEER**
   IN CHARGE, T.C.SUB DIVISION, KERALA STATE
   ELECTRICITY BOARD, PEZHAKKAPILLY P.O.,
   MUVATTUPUZHA, ERNAKULAM DISTRICT.

2. **THE DISTRICT COLLECTOR,**
   COLLECTORATE, KAKKANAD, ERNAKULAM.

3. **THE SECRETARY TO THE GOVERNMENT**
   KERALA STATE ELECTRICITY DEPARTMENT,
   GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

BY ADV.SRI.JOSE J. MATHEIKAL, SC K.S.E.B

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN, J.

W.P.(C) NO. 1408 OF 2007

Dated this the 12th day of January, 2007

J U D G M E N T

There is already an order passed by the District Magistrate in the matter, Exhibit P3, by which objections of the parties were dealt with and proposed route of the KSEB was found to be technically and economically suitable as no other alternative route is feasible. The petitioner thereafter filed Exhibit P4 representation before the District Collector. Since the order passed by the Additional District Magistrate (ADM) is a statutory order under Section 16(1) of the Indian Telegraph Act, in the absence of any appeal provided, such representation cannot be treated as on file under any statute. Hence direction to dispose of such representation cannot be issued.

However, the learned counsel appearing for the petitioner would submit that before the ADM he did not contest the matter as he was assured by the Board that they will not draw the line through his property in case of non contest. I cannot entertain such contention to be considered in this writ petition since it is for the petitioner to raise such contentions and seek reconsideration

of the matter from the Additional District Magistrate who had disposed of the matter by Exhibit P3. With leave and liberty, this writ petition is dismissed.

P.R.RAMAN, JUDGE

Rp